

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on June 2, 2003.

I. DISPUTE

Whether there should be reimbursement for out of pocket expenses for prescription medications for dates of service 02/22/02 and 03/04/02.

II. RATIONALE

The injured worker submitted receipts supporting out-of-pocket expenses were paid by the injured worker. The injured worker also submitted a copy of an EOB and checks, numbered 860310 and 860311, showing that the respondent paid the pharmacy for dates of service. According to the pharmacy's handwritten notes on the EOB they returned the checks to the insurance carrier adjustor on March 10, 2003 stating "___ has paid these amount to us when he picked up these 3 Rx's, so this check should not go to us!" Per Texas Workers' Compensation Commission Rule 134.504 the injured worker has submitted paid receipts and proof a request for reconsideration was made for the disputed dates of service.

A TWCC-62 was in the file denying several dates of service as unnecessary medical based on a peer review; however, the disputed dates of service were not addressed. Therefore, reimbursement in the amount of \$49.60 is recommended.

IV. DECISION & ORDER

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor is entitled to reimbursement for out-of-pocket expenses in the amount of \$49.60. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby ORDERS the Respondent to remit **\$49.60** to the Requestor within 20 days receipt of this Order.

The above Findings, Decision and Order are hereby issued this 10th day of December 2003.

Marguerite Foster
Medical Dispute Resolution Officer
Medical Review Division

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